

**Montana Pollutant Discharge Elimination System (MPDES)  
General Permit Fact Sheet**

***Storm Water Discharges Associated with Industrial Activity***

PERMITTEES: Various

MPDES Permit Number: MTR000000

**I. Status of Permit**

Montana Pollutant Discharge Elimination System (MPDES) permit number MTR000000 is an ongoing *General Permit for Storm Water Discharges Associated with Industrial Activity* (General Permit) which is required by Administrative Rules of Montana (ARM) 17.30.1341(6) to have a fixed term not to exceed five years. Consequently, MTR000000 was originally issued on October 8, 1992, reissued on October 26, 1994, and then reissued as the existing outgoing General Permit which was effective on October 1, 2001 and will expire on September 30, 2006. This year it is now due to be reissued for the 2006-2011 permit cycle.

In accordance with ARM 17.30.1341(4), the Department will issue an authorization or notify the applicant that the source does not qualify for authorization under the General Permit within 30 days of receipt of a completed application. With respect to the Montana Environmental Policy Act (MEPA), the Department will complete a checklist Environmental Assessment for all authorizations under the General Permit. The General Permit will have it's own separate Programmatic Environmental Assessment developed and the Department will provide an opportunity for public comment on the draft General Permit and draft Programmatic Environmental Assessment in accordance with ARM 17.30.1373.

There are currently approximately 140 facilities with active authorizations under General Permit MTR000000.

**II. Description of Discharge and Discharging Facilities**

This General Permit is applicable to the discharge of storm water associated with industrial activities within the State of Montana, excluding Indian Reservations. "Storm water" is defined in ARM 17.30.1102(27). "Storm water discharge associated with industrial activity" is defined in ARM 17.30.1102(29).

For regulated industrial activities under this definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters (as defined in ARM 17.30.1102(20)); sites used for the storage and maintenance of material handling equipment; sites used for

residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

Based on the aforementioned areas at industrial activity sites, characteristic storm water effluent discharge may contain pollutants which pose a threat to receiving surface waters. In general, studies performed over the past twenty-five years and historical monitoring data have indicated industrial activity storm water runoff may carry higher than normal annual loadings of total suspended solids (TSS), chemical oxygen demand (COD), metals, oil & grease, nutrients, and other organic chemicals/compounds. Pollutant concentrations may vary considerably with respect to industrial activity type, storm events, and location.

Pursuant to 75-5-605(2) Montana Code Annotated (MCA) of the Montana Water Quality Act (MWQA), the discharge of wastes to state waters without a current permit authorization from the Department is prohibited. Sediment and other materials are defined as “other wastes” in 75-5-103(19) MCA. “Pollutants” are defined in ARM 17.30.1102(19). “Discharge of a pollutant”, as defined in ARM 17.30.1102(2), results when pollutants come into contact with storm water discharges from the industrial activity site. “Point source” is defined under ARM 17.30.1102(18). ARM 17.30.1105 requires point source discharges of storm water associated with industrial activity to obtain MPDES permit coverage.

Pursuant to ARM 17.30.1116, discharges composed entirely of storm water are not regulated as discharges associated with industrial activity if there is no exposure of industrial materials and activities to rain, snow, snowmelt, and/or runoff, and the discharger satisfies the conditions of this Industrial No-Exposure Certification rule. Consequently, permit authorization for storm water discharges normally regulated under the General Permit would not be necessary and owners/operators would submit an Industrial No Exposure Certification Form to the Department instead.

### III. Coverage

Pursuant to 75-5-402, MCA and requirements found in ARM , Title 17, Chapter 30, Subchapter 11, the Department regulates storm water discharges associated with industrial activities. ARM 17.30.1105(1)(b) requires MPDES permit coverage for industrial facilities and/or activities identified in ARM 17.30.1102(29). Additionally, point source discharges could require MPDES permit coverage under ARM 17.30.1105(e) and/or (f) if the Department determines that storm water controls are needed based on wasteload allocations that are part of Total Maximum Daily Loads (TMDLs) that address the pollutants of concern, or if the Department determines the discharge is contributing to a violation of a water quality standard or is a significant contributor of pollutants to surface waters.

The following conditions must be met to qualify for written authorization to discharge storm water under the General Permit:

- A. “Storm water discharge associated with industrial activity” is defined by 40 Code of Federal Regulations (CFR), Part 122.26(b)(14). The State of Montana has adopted the types of industrial activities stated in 40 CFR through ARM 17.30.1102(29) in consideration of our delegated responsibilities through EPA. This definition typically includes specified industrial activities based on the primary Standard Industrial Classification (SIC) code as listed in the federal “1987 Standard Industrial Classification Manual” (or the type of industrial activity in the absence of a identified SIC code). These SIC codes and/or types of industrial activities to be covered under the General Permit are listed in Attachment A to the General Permit. In this General Permit, certain construction, mining, and oil & gas activities are excluded as they are covered through other separate MPDES General Permits.
- B. A discharge of storm water occurs from a facility or activity to surface waters or a drainage system which carries storm water to surface waters.
- C. The storm water discharge consists of runoff only from precipitation events, either rainfall or snowmelt, and is not mixed with process wastewater.

#### IV. Exclusions

- A. The Department may deny an application for discharge under General Permit MTR000000 under the provisions of ARM 17.30.1341(4)(a), that includes the following:
  - 1. The specific source applying for authorization appears unable to comply with:
    - a. Effluent limitations or other terms and conditions of the permit,
    - b. Water quality standards established pursuant to 75-5-301, MCA, and ARM Title 17, Chapter 30, Subchapters 5, 6, 7, and 10, and
    - c. Prohibition of any discharges to which the Regional Administrator, as defined in ARM 17.30.1304(50), has objected to in writing.
- B. General Permit MTR000000 does not authorize discharges subject to federal effluent limitation guidelines as adopted by the Montana Board of Environmental Review in ARM Title 17, Chapter 30, Subchapter 12.
- C. The storm water discharge is different in degree or nature from discharges reasonably expected from sources or activities within the category described in the MPDES General Permit. Discharges of storm water, which report to ground water, are excluded from coverage under this permit.

- D. MPDES permit or authorization for the same operation has previously been denied or revoked.
- E. The discharge sought to be authorized under a MPDES General Permit is also included within an application or is subject to review under the Major Facility Siting Act, 75-20-101, *et seq.*, MCA.
- F. The point source is or will be located in an area of unique ecological or recreational significance. Such determination must be based upon considerations of Montana stream classifications adopted under 75-5-301, MCA, impacts on fishery resources, local conditions at proposed discharge sites, and designations of wilderness areas under 16 USC 1132 or of wild and scenic rivers under 16 USC 1274.

V. Receiving Waters and Applicable Standards

Storm water discharges associated with industrial activity regulated by this permit cover discharge of storm waters to surface waters. Surface waters are any waters on the earth's surface including, but not limited to, streams, lakes, ponds, and reservoirs; and irrigation and drainage systems. Water bodies used solely for treating, transporting, or impounding pollutants shall not be considered surface waters. Intermittent and ephemeral watercourses and drainages are state surface waters in accordance with 75-5-103(29), MCA.

The Montana Water Quality Act requires that permits issued pursuant to Title 17, Chapter 30, and Subchapter 13 comply with the Montana surface water quality standards, (Subchapter 6). Based on Montana surface water quality standards, the degree of waste treatment required will be to, prevent increases "above naturally occurring concentrations of sediment, or suspended sediment, settleable solids, oils, or floating solids, which or are likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, recreation, safety, welfare, livestock, wild animals, birds, fish, or other wildlife" (ARM 17.30.621 through 629). ARM 17.30.637 requires that no wastes may be discharged which violates any water quality standard.

New or increased sources (ARM 17.30.702(16)), must comply with Montana's Nondegradation Policy [75-5-303 MCA], and rules (ARM 17.30.701 *et. seq.*). Nondegradation requirements are discussed in Part IX of this Fact Sheet.

VI. Proposed Effluent Limitations and Conditions

Section 402 of the Montana Water Quality Act authorizes the Department to regulate the discharges of sewage, industrial and other wastes into state surface waters. Pursuant to ARM 17.30.1201, the Department is required to establish effluent limitations, treatment standards, and other requirements for point sources discharging wastes to state waters. The Montana Board of Environmental Review has not adopted minimum treatment requirements for storm water discharges associated with industrial activity. The discharge of sewage or industrial wastes is prohibited in the General Permit.

Through the adoption of the Montana Pollution Discharge Elimination System (MPDES), the Department may issue, suspend, revoke, modify, or deny permits to discharge wastes to the waters of the state. For the purposes of this permit, discharges of sewage or industrial wastes are excluded. This permit is exclusive to other wastes as defined under 75-5-103(19) MCA, resulting from regulated activities, and receive, at a minimum, treatment to restore and maintain the quality of surface waters, ARM 17.30.635(1), 75-5-305 MCA.

A. Technology Based Effluent Limits

As stated in the MWQA it is not necessary that wastes be treated to conditions purer than the receiving waters as long as minimum treatment requirements have been set [75-5-306 MCA]. As the effluent characteristics of storm water runoff can be highly variable and unpredictable, ARM 17.30.1345(1) and 17.30.1344 provide for the use of Best Management Practices (BMPs) where effluent limitations are infeasible. The Department has concluded that the most prudent, reasonable land, soil and water conservation practices, to protect surface waters of the state will be achieved through the development and implementation of a "Storm Water Pollution Prevention Plan" (SWPPP) as defined in ARM 17.30.1102(31). SWPPP submittal is a required component of the permit application procedure pursuant to ARM 17.30.1110(7). This SWPPP identifies site characteristics, potential pollutants, and various BMPs to minimize or prevent pollutants from entering storm water runoff and/or receiving surface waters. Development and implementation of a SWPPP is critical to MPDES storm water discharge permitting.

B. Water Quality Based Effluent Limits

It is the Department's position that Montana's surface water quality standards can be maintained through the development and implementation of a SWPPP. SWPPP requirements are based on historical guidance and permits used by the EPA, other states, and the experience of the Montana MPDES program. The SWPPP allows for an iterative approach to BMP implementation whereby BMP effectiveness is tracked and improvements are made as necessary. The BMPs help minimize or eliminate the generation or migration of pollutants to surface waters. In addition, permittees will be prohibited from discharging process wastewater under this General Permit.

This General Permit does not authorize storm water discharges that the Department determines will cause, or have a reasonable potential to cause or contribute to, a violation of applicable water quality standards. If such is the case, the Department may notify an applicant or permitted discharger that MPDES permit coverage is necessary under an Individual Permit instead of under this General Permit. The Department will require authorizations under the General Permit to ensure the SWPPP addresses BMPs and measures to help ensure compliance with water quality standards as necessary. This may include additional monitoring requirements to the authorized discharger. Furthermore, requirements will be incorporated into the

General Permit to address listed impaired waterbodies and their pollutants of concern, with or without approved Total Maximum Daily Loads (TMDLs), under Section 303(d) of the Clean Water Act.

More specifically, depending on the actual industrial activity storm water discharge and the receiving surface water(s), the permittee's SWPPP may need to include a section describing how the SWPPP will control discharges of pollutants of concern and ensure storm water discharges will not cause or contribute to instream exceedances of water quality standards. This SWPPP must specifically identify measures and BMPs that will collectively control the discharges of pollutants of concern. Information on impaired waterbodies may be obtained from the Department or from the Montana State Library website:

<http://nris.state.mt.us/wis/environet/index.html> If a TMDL has been approved for any waterbody into which the permittee discharges storm water, and the TMDL considered and addressed MPDES-regulated storm water discharges, then the Department shall incorporate the Waste Load Allocation (WLA), as applicable, into the permit authorization requirements as required by 75-5-703, MCA. Specific requirements regarding WLAs are found in the "Special Conditions" section of the General Permit.

#### C. Special Conditions

##### Storm Water Pollution Prevention Plan Requirements

As mentioned earlier, a Storm Water Pollution Prevention Plan (SWPPP) must be developed for each facility or activity covered by this permit based on ARM 17.30.1110(5) & (7), and ARM 17.30.1341(9)(a). The purpose of the SWPPP is to identify sources of pollution that may contaminate storm water and to implement BMPs to prevent pollutant migration to surface waters. The BMPs selected should eliminate or minimize contamination of storm water runoff at their source and/or remove pollutants before discharge into surface waters. Facilities must implement the provisions of the SWPPP required under this part as a condition of this permit, [75-5-303 (3)(d) MCA]. SWPPPs are intended to be living documents to reflect current conditions and activities at the site. Periodic evaluation and ongoing improvements to the BMPs at the site will only improve the quality of storm water runoff.

Based on historical EPA/State permits, guidance, and experience, the SWPPP has evolved over the past 15 years to contain the following elements:

##### Contents of Plan

1. Administrative Requirements
  - a. Retaining SWPPP
  - b. Signing SWPPP

- c. Revising SWPPP
2. Description of Potential Pollutant Sources
  - a. Site Map with a number of required inclusions
  - b. Characterization of impervious surfaces
  - c. General Location Map
  - d. Spills and Leaks
  - e. Existing storm water quality data
  - f. Drainage patterns and receiving surface waters
3. Storm Water Best Management Practices (BMPs)
  - a. Responsible individuals
  - b. Employee Training
  - c. Preventative maintenance measures
  - d. Good Housekeeping
  - e. Risk identification and material inventory
  - f. Spill prevention and response
  - g. Storm water management features
  - h. Sediment and erosion prevention
  - i. Visual inspections
  - j. Record keeping
  - k. Non-storm water discharge compliance
4. Permittee Comprehensive Site Inspection and Compliance Evaluation Report

D. Standard Conditions

Based on ARM 17.30.1342, standard conditions pertaining to all MPDES permits will be included in General Permit MTR000000.

VII. Effluent Monitoring and Reporting Requirements

Monitoring requirements in the General Permit are based on the authority of 75-5-602 MCA and ARM 17.30.1351. Provisions are in the General Permit to require monitoring for any regulated industrial activity storm water discharge as necessary, and to increase or decrease monitoring as necessary. Any monitoring required above and beyond the mandatory self-monitoring required in the General Permit (as discussed below) would typically be subject to similar sampling, testing, and reporting protocols.

The General Permit has been developed to require mandatory self-monitoring (sampling and analytical testing) for certain parameters at only a subset of the industrial activity types identified in Attachment A of the General Permit. The self-monitoring requirement is based on the following considerations:

- historical industrial activity storm water discharge permits from EPA;
- industrial activity storm water discharge permits from other states;
- experience and monitoring data generated through the Department's MPDES program;
- the actual expectation for certain pollutants to be discharged; and

- the potential net benefit to be gained through self-monitoring in addition to the permittee's self-inspections.

The mandatory self-monitoring requirement includes industrial activity sites where the primary SIC code or function is:

- petroleum refining, storage, and fueling;
- primary metal industries;
- land disposal units;
- wood treatment;
- coal pile runoff;
- battery reclaimers;
- airports; and
- animal handling – meat packing facilities.

Based on ARM 17.30.1351(2), monitoring results must be evaluated by the permittee. In part, this evaluation involves comparison with "benchmark" parameter concentrations developed by EPA. These benchmark concentrations are included as Attachment B to the General Permit, and serve as a tool to judge BMP effectiveness and look for ongoing pollutant discharge problems. Self-monitoring at the above industrial activities is performed semi-annually and results are reported to the Department on standard Discharge Monitoring Report forms.

#### VIII. Mixing Zones

A mixing zone is an area where the effluent mixes with the receiving water and certain water quality standards may be exceeded (ARM 17.30.502(6)). Because the General Permit regulates the discharge of pollutants through the development and implementation of technology based controls (BMPs and SWPPP) a mixing zone is not applicable. As stated in Section VI.B., facilities which cause a contribution to a violation of water quality standards must apply for an MPDES Individual Permit.

#### IX. Nondegradation

The activities covered by this General Permit have been determined to be non-significant based on 75-5-303 (3)(d) MCA, and 75-5-317(2)(b) MCA, whereas the SWPPP requirement stipulates that BMPs will be implemented prior to the commencement of regulated activities covered under this permit. The SWPPP requirement also includes provision for the ongoing evaluation of BMPs to eliminate or minimize pollutants contained in storm water runoff. If the applicant provides information that indicates the proposed discharge will not meet conditions of ARM 17.30.715(1), the Department will require the operator to amend the SWPPP in order to comply with Montana's Nondegradation Policy and rules.

#### X. Total Maximum Daily Loads (TMDL)

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads (TMDLs) under Section 303(d) of the Clean Water Act are



established for a particular water quality limited segment (WQLS), the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in the lawsuit *Friends of the Wild Swan v. U.S. EPA, et al.*, CV 97-35-M-DWM, District of Montana, Missoula Division. The DEQ finds that the renewal and re-issuance of this General Permit does not conflict with the order, because: (1) it is not a new permit, and 2) the permit prohibits storm water discharges that cause or contribute to a violation of water quality standards.

XI. Procedure for Coverage under the General Permit

- A. Two main criteria determine whether an industrial facility is eligible for coverage under this permit are:
  - 1. The type of industry activity, usually described by the SIC code, and
  - 2. The presence of a discharge of storm water to surface water from the facility or activity.
- B. For both existing and new permitted facility or activity discharges to comply with this General Permit, owners/operators must:
  - 1. Submit an application for coverage under this General Permit,
  - 2. Prepare and submit an updated SWPPP at the time of application,
  - 3. Implement BMPs and other provisions of the SWPPP before operations commence,
  - 4. Monitor storm water discharge from the facility or activity as pertinent, and
  - 5. Submit annual compliance evaluation, and semiannual monitoring (where required), reports to assess facility storm water discharge quality and to verify BMP effectiveness.
- C. In addition to the items in Part XI.B., for existing permitted storm water discharges under MTR000000, the following items apply:
  - 1. If the permittee submits an application on or before the September 30, 2006 expiration date of the existing General Permit, and the new General Permit is not yet issued and effective, then ARM 17.30.1313 (Continuation of Expired Permits) will provide administratively extended coverage under the 2001-2006 General Permit for those which have applied on time.
  - 2. Annual fees do not need to be submitted with the renewal application package as they are invoiced annually at a standard time and are administered

separate from the renewal application process. The appropriate application fee will still need to be submitted with the application package as provided for in ARM 17.30.201.

3. As a part of this General Permit renewal cycle, based on Department experience, records, and inspections, SWPPPs are often in need of updates and many Department copies and field copies observed during inspection are obsolete to varying extents. Consequently, the Department is requiring all existing permittees to submit updated complete SWPPPs, as well as the application forms, that reflect current conditions and requirements. This information will replace and supercede all historical applications and SWPPPs in active Department permit files for each permitted facility or activity.
4. In the event that a facility is able to demonstrate that it has eliminated its storm water discharge, the permit may be terminated at the Department's discretion. However, in the absence of engineered and/or constructed storm water management features at the industrial activity site, the Department typically assumes ongoing storm water discharge permit authorization under the new General Permit will continue to be necessary.
5. Renewal applications are due thirty days prior to the expiration of the existing General Permit.

D. In addition to the items in Part XI.B., for new permitted storm water discharges under MTR000000, the following items apply:

1. At least thirty (30) days prior to the anticipated date of discharge; the owner (or operator if the owner does not operate the facility) of a facility/site with a "storm water discharge associated with industrial activity" must submit an application on a form provided by the Department.
2. Applications for new facility or activity storm water discharges must include not only the appropriate application fee, but also the appropriate annual fee for the initial calendar year of when the discharge becomes permitted under the General Permit.

E. Application Process

The application form used to obtain permit authorization under the *General Permit for Storm Water Discharges Associated with Industrial Activity* requires, at a minimum, the following information:

1. Facility/Site Information.

2. Facility Contact Person/Position.
3. Existing or Pending Permits, Certifications, or Approvals (if any exist).
4. Nature of Business or Activity.
5. Standard Industrial Classification (SIC) Codes.
6. Storm water Outfall/Discharge Locations (latitudes and longitudes).
7. USGS Topographic Map showing Facility and Receiving Surface Waters.
8. Storm Water Quality Analytical Data (for new applications if such data exists).
9. Description and certification pertaining to non-storm water discharges.
10. Identification of Major Potential Pollutant Sources.
11. Identification of Major Best Management Practices.
12. Applicant (Owner/Operator) Information.
13. Certification and Signature of Application.

As the permittee is required to submit payment of fees as set forth in ARM 17.30.201, if the permittee fails to pay the application and annual fees when applying for coverage under this General Permit the Department can suspend processing of the application.

F. Storm Water Pollution Prevention Plans

When applying for new permit coverage or for renewal of permit coverage, all applicants are required to submit a complete updated SWPPP with the application form and fees. SWPPPs must be developed using reasonable land, soil, and water conservation practices and good standard engineering practices. They must include requirements stated in the General Permit. The SWPPP must be signed in accordance to the stipulations stated in the General Permit.

XII. References/ Information Sources

- (1) Administrative Rules of Montana Title 17, Chapter 30 *et seq.*
- (2) Montana Code Annotated Title 75, Chapters 5, Subchapters 1 through 6
- (3) Code of Federal Regulations 40 CFR Parts 122 through 133
- (4) MPDES Permit MTR100000, Effective date June 8, 2002
- (5) MPDES Permit MTR000000, Effective date August 28, 2002
- (6) MPDES Permit MTR300000, Effective date November 17, 2002
- (7) EPA, Multi Sector General Permit for Industrial Activities, October 30, 2000

- (8) EPA, draft Multi Sector General Permit for Industrial Activities, Fact Sheet, 2006
- (9) Developing Pollution Prevention Plans and Best Management Practices  
EPA 832-R-92-006
- (10) MPDES Permit MTR040000, Effective date January 1, 2005

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